

**City of Goodlettsville  
Board of Zoning and Sign Appeals**

***REVISED MEETING AGENDA***

**Tuesday November 5, 2019**

**5:00 PM**

**GOODLETTSVILLE CITY HALL - MASSIE CHAMBERS**

**Approval of October 1, 2019 Meeting Minutes**

**{ITEM 1- 2- PUBLIC HEARINGS}**

***(801 Meadowlark Lane Conditional Use Request- Request Pulled by Applicant)***

**Item#1** Patricia Grimes requests side setback variances from the requirements of the Zoning Ordinance Section 14-206. Commercial District Regulations, (4) Bulk, Lot, and Open Space Requirements, (e) Yard regulations for a proposed building at 632 Wade Circle. Property is referenced as Davidson County Tax Map/Parcel# 02614001800 and is zoned CSL, Commercial Services Limited. Property Owner- MP Home Solutions Pro Inc.

**Item#2** Vertical Bridge request reduced setback and separation requirements from Zoning Ordinance Section 11-906 Wireless Telecommunication Towers and Antennas (F) Administratively Approved Uses (C) New Towers in Non-Residential Zoning Districts for a one hundred and thirty (130') feet cell tower on Cartwright Street.. Property is referenced as Davidson County Tax Map/Parcel# 01913011100 and is zoned IG, Industrial General. Property Owner- City of Goodlettsville

*A government committed to operating with efficiency and integrity in all we do  
as we strive to enhance the quality of life for the community we serve.*

*105 S. Main Street – Goodlettsville, TN 37072 – 615-851-2200 – Fax 615-851-2212  
[www.cityofgoodlettsville](http://www.cityofgoodlettsville)*

**OFFICIAL MINUTES OF THE GOODLETTSVILLE**  
**BOARD OF ZONING AND SIGN APPEALS**

**Date:** October 1, 2019

**Time:** 5:00 P.M.

**Place:** Massie Chambers- Goodlettsville City Hall

**Members Present:** Chairman Mike Broadwell, Cisco Gilmore, Brian Rager, Vice Chairman Mark Writesman

**Absent:**

**Also Present:** Addam McCormick-Planning Director, Tim Ellis- City Manager, Russell Freeman-City Attorney, Larry Diorio, Codes Director, and Rhonda Carson, Planning/Codes Department

Chairman Broadwell called the meeting to order at 5:00 pm and declared a quorum. Staff stated no changes to the agenda. Brian Rager made a motion to approve the minutes of the September 9, 2019 Board of Zoning and Sign Appeals meeting as written. Vice Chairman Mark Writesman seconded the motion. The motion was approved unanimously.

**ITEM#1**

Vertical Bridge request reduced setback and separation requirements from Zoning Ordinance Section 11-906 Wireless Telecommunication Towers and Antennas (F) Administratively Approved Uses (C) New Towers in Non-Residential Zoning Districts for a one hundred and thirty (130') feet cell tower at the south west corner of Church Street and Depot Street. Property is referenced as Davidson County Tax Map/Parcel# 0191301900 and is zoned IR, Industrial Restricted. Property Owner- William C. Brumett, Jr

**Representatives:**

Mr. Joey Hargis, Vertical Bridge Attorney and Richard Williams, Contractor representing Vertical Bridge

**Discussion Items:**

**Staff explained the request:**

- City adopted telecommunications ordinance in 1998
- Property zoned IR, Industrial Restricted
- Since industrial zoning administrative site plan approval only and comments have been sent on design plans but the Appeals Board has to review reduced setback and separation requirements
- Proposal is for a one hundred and thirty (130') feet tower
- Ordinance requires seventy-five (75%) percent of tower setback to property lines
- Ordinance requires separation to one and two family residential dwelling units at three hundred (300%) percent of tower height.

- Adjacent one family residential dwelling units are non-conforming uses in the commercial zoning classifications
- Staff explained and presented slide presentation including requested reduced setback and separation dimensions per ordinance and review if tower could be relocated on adjacent property owned by same owner where setbacks to residential properties could be met.
- Proposed one hundred thirty (130') feet tower requires seventy-five (75%) percent of tower height setbacks to property line- ninety-seven and a half (97.5') feet setback

North Property Boundary (Depot Street) 96' – 1.5 feet variance

South Property Boundary: 40' - 57.5' feet variance

West Property Boundary: 40' - 57.5' feet variance

East Property Boundary: (Church Street) 94' – 3.5' feet variance

- Proposed one hundred thirty (130') feet tower requires two hundred (200') feet or three hundred (300%) percent height of tower to single-family or duplex residential units and no separation other than setback to non-residential zoned or non-residential uses- 390' feet separation
- Thirteen (13) single family house structures are within the 390' separation

North (Across Depot Street) CSL, Commercial Services Limited Zoning- 158' feet to closest single family residential unit

South -IR, Industrial Restricted

East (Church Street) IR, Industrial Restricted Zoning 255' to single family residential unit on Church Street

West (along Depot Street) CSL, Commercial Services Limited Zoning- 68' to closest single family residential unit

- Staff discussed request is for reduced setbacks similar to variance review procedures but ordinance does define reduced setbacks and intention is for new towers to be located in industrial zoning districts

- Staff discussed and presented slide presentation on existing tower separation and discussed separations met requirement of ordinance for the proposed tower

- Staff discussed federal law limits cities for making decision about health impacts of frequencies and towers which is regulated by FCC through their owner permit process

Location- Tower Type- Property Zoning- Separation from Proposed Monopole

South Cartwright-280' Lattice type- IG- Industrial General- 5,400 feet

Moss Trail/Rivergate Parkway – 150' Lattice type- CSL, Commercial Services Limited -5,800 feet- Approved June 1984

Drycreek Road/Dickerson Pike/SR 11/Hwy 41- Cellular antennas on electric tower – CPUD, Commercial Planned Unit Development -10,500 feet

Springfield Highway adjacent to I-65- 200' Lattice type- CPUD, Commercial Planned Unit Development-8,700 feet- Approved June 1998

1030 Williamson Road adjacent to I-65- 285' Lattice type- A, Agricultural -11,300 feet

Alta Loma Road adjacent to I-65- 140' Monopole type- HDRPUD, High Density Residential Planned Unit Development- 9,100 feet- Approved April 1996

Alta Loma Road/Behind Rivergate Church of Christ – 120' Monopole type- CSL, Commercial Services Limited -11,200 feet -Approved May 1998

Mr. Hargis, Representative discussed and presented a slide presentation (included in meeting packet information)

- Property location

- Alternative properties contacted without success due to variety of reason by property owners

- Site location based on cellular coverage needs

- Data needs have grown in addition to phone service

- Large percentage of people use cell phones and data

- Proposed tower will provide additional data availability coverage

- Based on a strict application of City's Ordinance the separation requirement would never be met and zones out towers

- The goals and objectives of City's Ordinance is for the towers to be located in industrial zoning districts instead of residential neighborhoods

- Request the board to grant a waiver due to the objectives of the City's ordinance being met

- State law regulating towers was from 2005 and City's ordinance is from 1998

- Discussion of basis for variance

- No argument on financial basis since ordinance in place prior to the request

- Other industrial properties in same districts ordinance allows the use but as seen with map information actually discourages towers

- Non-conformities of other existing towers separation and setbacks

- Request not detrimental to public welfare have studies and reports on impact on property values shows neutral impacts no appreciable effect on property values

- Engineering design data provided shows that if tower fell it would fall within a forty (40') feet zone based on tower design damage highly unlikely and event that would create damage that would also include damage of adjacent properties that are not designed to handle the engineering design of the tower

- Six (6) to eight (8) feet width monopole pole design in the leased area

- Mr. Williams discussed site will be fenced, well maintained and landscaped

- Cisco Gilmore asked if tower needs could not be serviced by co-locating on adjacent towers
- Representatives answered TMobile is co-located already in Goodlettsville- the proposal is for service issues and to assist with service issues for the area
- Mr. Williams discussed he is involved in site acquisition and they have reviewed numerous other sites in the area and owners are not interested
- Staff and Board members discussed if the proposed tower could be located on the larger adjacent tract owned by the same owner were at least they could meet setbacks to property line but separation would still be an issue
- Mr. Williams explained owner is only interested in the property section in question
- Russell Freeman asked about the proposal ownership set up and if it was unusual for an owner/occupied site.
- Mr. Hargis explained that the TMobile proposal is for a coverage site since they have a data traffic capacity issue and locating tower to off load the data other towers use
- Mr. Hargis stated traffic would not be an issue since no employees on site other than occasional service work
- Mr. Hargis discussed based on engineering design tower failure unlikely- design not to fail but bend over and the primary concern would be hurricanes and heavy winds. The weather event that would damage tower would also lead to excessive property damage in the area
- Mr. Hargis presented that towers are not detrimental to property values and referenced studies have shown that towers neither reduce or increase property values
- Mr. Hargis presented need for additional tower is 40% increase in use since 2010 and over 80% people have a cell phone including both phone and data increased demands
- Mr. Hargis stated city's ordinance dated most current ordinances are based on structural design of towers for setbacks
- Mr. Hargis stated per state law local governments cannot effectively prohibit service in area when reviewing spacing of existing towers north and south of proposal location can see the gap in service the tower will be servicing
- Mr. Hargis discussed tower would include areas for co-location. No other structures available for co-location in immediate area and center of city
- Chairman Mike Broadwell discussed insurance for the site in the case of tower damage

-Mr. Hargis discussed industry standard, FCC requires insurance for carriers and that owner of tower would be insured

-Mr. Hargis discussed due to height of tower under 200 feet no lights on the tower – outside of flight path no special lighting required

-Mr. Hargis stated size of tower is based on their network design and that a 200 feet tower would provide better coverage depending on geography of area but proposal is 130 feet tower

-Mr. Hargis discussed last 5-10 years towers with structural damage extremely rare- hurricane and tornado events winds and initial damage but no instance of secondary collapse with tower design of monopole

-Brian Rager discussed the area has experienced a tornado in the past

## **PUBLIC HEARING:**

### **Matt Jordan- 116 Depot**

- 100 ft. within a house if fell over
- Separation and setback requirements are in case something goes wrong falling major concern
- Aesthetics- city's downtown area concerned that you can't hide tower maybe camouflage would think city would not want in downtown area
- Resale value of home concern

### **Sue Webb- Only House on Jackson Street /204 Jackson Street**

- Residents on Depot do not need the tower in front of their house
- Kids playing in area
- No one doctor can say waves from tower not harmful
- Tower wrong place should be back off the road
- Owner not keeping up property not even mowing or cleaning up fence row
- Don't agree with tower in this area
- Tornado everything destroyed – including tower location
- Debris from old boat factory blew to her house on Jackson Street
- Stated- Would Board want a tower in their front yard?
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### **Jeff Stone- Ruffus Stone family 110 Depot Street**

- 9 single family home neighborhood
- Residents don't need tower in front yard- kids playing
- Tower height of 130 feet is not like a light pole

- 2010 tornado the tower would have fell over on houses next door
- Other towers in area not close to any homes
- Area a neighborhood- understand industrial and commercial zoning
- History of corner property house tore down old cabinet shop
- Tower would be bad for neighborhood
- Mother has lived there 50 years concerned with view from house of tower not trees
- Better options for tower placement

**Mr. Haston- 115 Depot Street**

- Work at Goodlettsville Barber shop so in the area all the time
- Concern if tower fell – close to so many homes even if company has insurance
- 40 feet break point designed what about other 90 feet falling?
- Property values may not be able to sell property probably going to look up and see tower
- Surprised with the property owner
- The property owner could review locating tower on other portions of his property ample room for property to develop
- Concerns with going against city ordinance

**Ms. Westmoreland signed to speak but left the meeting prior to Public Hearing**

-Cisco Gilmore- asked if the tower height could be lowered

-Mr. Williams responded that TMobile would have to reduce service and co-location availability with design and antenna spacing would go away which is the city's intention with towers

-Mr. Williams discussed that lowering height would diminish coverage and capacity and growth potential

-Mr. Williams might be able to move to south 10 feet owner concerned with other intended uses and development of property

-Brian Rager discussed this is a difficult issue and understand the 30 years of technology and need for phones but has compassion for residents. The request is a double edged sword- understand cell tower and information presented but would not want too close of own property

- Mr. Williams discussed unique request since property industrial zoning and close proximity to residential areas zoned commercial

Sue Webb-spoke from the audience- put tower on hill not in valley

Chairman Mike Broadwell discussed this is a unique request and has mixed feelings with review of ordinance and information submitted at meeting

-Vice- Chairman Mark Writesman discussed proposal and motion

-Staff stated defined basis for motion needs to be included

**Motion:**

Vice Chairman Mark Writesman made a motion to deny the request based on request not meeting setbacks, seconded by Cisco Gilmore. Motion to deny the request passed unanimously 4-0.

Motion to adjourn by Cisco Gilmore and Second by Briar Rager. Motion passed unanimously

***The meeting adjourned at 6:00 P.M.***

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Mike Broadwell, Chairman

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Rhonda Carson, ECD Assistant



CITY OF GOODLETTSVILLE  
BOARD OF ZONING AND SIGN APPEALS  
TUESDAY NOVEMBER 5, 2019

**STAFF RECOMMENDATION REPORT**

***(801 Meadowlark Lane Conditional Use Request- Request Pulled by Applicant)***

**PUBLIC HEARING/NOTICE INFO:**

- Advertised in *The Goodlettsville Ledger* on October 16, 2019
- Twenty-two (22) adjacent property owner notices mailed October 10, 2019
- Public hearing signs- placed October 21, 2019

**ITEM#1** Patricia Grimes requests side setback variances from the requirements of the Zoning Ordinance Section 14-206. Commercial District Regulations, (4) Bulk, Lot, and Open Space Requirements, (e) Yard regulations for a proposed building at 632 Wade Circle. Property is referenced as Davidson County Tax Map/Parcel# 02614001800 and is zoned CSL, Commercial Services Limited. Property Owner- MP Home Solutions Pro Inc.

**APPLICANT:** Patricia Grimes

**PROPERTY INFORMATION:** 0.23 acres –Vacant property at 632 Wade Circle, Davidson County Tax Map/Parcel# 02614001800

**PROPERTY ZONING:** CSL, Commercial Services Limited

**PROPERTY OWNER:** MP Home Solution Pro Inc

**REQUESTED ACTION:** Two (2) feet side setback variances

**STAFF NOTES:**

The property is currently vacant and is a non-conforming lot of record due to the property area of 10,020 square feet which is less than the minimum 20,000 square feet lot area per the CSL, Commercial Services Limited zoning district requirements. The lot is also non-conforming due to the lot width of thirty (32') feet at the street line which is less than the one hundred (100') feet minimum requirement per the CSL, Commercial Services Limited zoning district. The property ownership is separate from the adjacent property ownership including the non-improved public right-of-way along the north property line. The property frontage dimension on Wade Circle is thirty-two (32') feet in width and at the adjacent non-improved right-of-way radius the property is forty-two (42') feet in width. The property widens out at the back property line to sixty (60') in width. The property is unique to the adjacent properties due to the adjacent non-improved public right-of-way. The property would be classified as a corner lot due to the adjacent non-

improved public right-of-way. Front setbacks are required along property lines of streets and public road right-of-ways. The front setbacks are required to meet the front setback requirement of the zoning district and any adjacent zoning district. The CSL, Commercial Services Limited zoning district minimum side setback requirement is fifteen (15') feet and the minimum front setback is forty (40') feet. The property adjacent to the eastern property boundary is GOPUD, General Office Planned Unit Development which includes a minimum front setback of fifty (50') feet.

The Zoning Ordinance Section ***14-212. Provisions governing nonconforming uses and noncomplying buildings or other structures. (3) Noncomplying lots or record*** defines a process for the Board to approve variances for the lot or property to be usable.

Staff would recommend the decision to approve or deny be based on information presented and the City's Zoning Ordinance review criteria for variances listed below and define the basis with the motion.

#### **STAFF RECOMMENDATION:**

Approval of the following setbacks based on the referenced Zoning Ordinance sections for a non-conforming lot of record with an adjacent non-improved public right-of-way and unique lot shape. The approval recommendation is to make the property usable for a commercial zoned property/lot. Staff recommends the minimum front setback along the north property line with the non-improved right-of-way to be ten (10') feet and the minimum side setback of five (5') feet along the south property line. The proposed setbacks are due to the future possible limited public roadway extension along the north property boundary and to provide fire separation to the existing adjacent non-conforming one family dwelling and future commercial building along the south property boundary.

The recommended setbacks would permit building width of twenty-seven (27') feet width if the building is constructed in line with the adjacent buildings and a wider building if the building is built closer to the rear of the property. The property is limited in area so a limited dimension commercial building even with variances will be required to accommodate on-site parking.

#### **Referenced Zoning Ordinance Sections:**

##### **14-212. Provisions governing nonconforming uses and noncomplying buildings or other structures. (3) Noncomplying lots or record**

(3) Noncomplying lots of record. A noncomplying lot of record may be used for building purposes provided that a variance for the noncompliance may be granted by the board of appeals. Such variance shall be the minimum variance required to provide for use of the lot.

##### **14-213. Administration and enforcement (8)**

###### **(8) Zoning Variances**

(8) Zoning variances. The board of zoning appeals may grant variances where it makes findings of fact based upon the standards prescribed in this

section. § 14-213(7)(h)(ii) of this chapter.

(c) Standards for variances. The board shall not grant a variance unless it makes findings based upon evidence presented to it as follows:

(i) The particular physical surroundings, shape, topographic conditions of the specific property involved that would result in a particular hardship upon the owner as distinguished from a mere inconvenience, if the strict application of this ordinance were carried out must be stated;

(ii) The conditions upon which the petition for a variance is based would not be applicable, generally, to other property within the same district;

(iii) The variance will not authorize activities in a zone district other than those permitted by this ordinance;

(iv) Financial returns only shall not be considered as a basis for granting a variance;

(v) The alleged difficulty or hardship has not been created by any person having an interest in the property after the effective date of this ordinance;

(vi) That granting the variance requested will not confer on the applicant any special privilege that is denied by this ordinance to other lands, structures, or buildings in the same districts;

(vii) The variance is the minimum variance that will make possible the reasonable use of the land, building, or structure;

(viii) The granting of the variance will not be detrimental to the public welfare or injurious to other property or improvements in the area in which the property is located; and

(ix) The proposed variance will not impair an adequate supply of light and air to adjacent property, substantially increase the congestion in the public streets, increase the danger of fire, endanger the public safety, or substantially diminish or impair property values within the area.

(d) Non-conformity does not constitute grounds for granting of a variance. No non-conforming use of neighboring lands, structures, or buildings in the same district, and no permitted or nonconforming use of lands, structures, or buildings in other districts shall be considered grounds for the issuance of a variance.

(e) Prohibition of use variances. Under no circumstances shall the board of appeals grant a variance to allow a use not permissible under the terms of this ordinance in the district involved, or any use expressly or by implication prohibited by the terms of this ordinance in said district.

(f) Conditions and restrictions by the board. The board may impose such conditions and restrictions upon the premises benefitted by

a variance as may be necessary to comply with the provisions set out in § 14-213(8)(c) above to reduce or minimize the injurious effect to such variation upon surrounding property and better carry out the general intent of this ordinance. The board may establish expiration dates as a condition or as a part of the variances.

**ITEM#2** Vertical Bridge request reduced setback and separation requirements from Zoning Ordinance Section 11-906 Wireless Telecommunication Towers and Antennas (F) Administratively Approved Uses (C) New Towers in Non-Residential Zoning Districts for a one hundred and thirty (130') feet cell tower on Cartwright Street.. Property is referenced as Davidson County Tax Map/Parcel# 01913011100 and is zoned IG, Industrial General. Property Owner- City of Goodlettsville

**APPLICANT:** Vertical Bridge

**PROPERTY INFORMATION:** 0.65 acres -, Davidson County Tax Map/Parcel# 01913011100- Across Cartwright Street from Public Works facility at 215 Cartwright Street

**PROPERTY ZONING:** IG, Industrial General

**PROPERTY OWNER:** City of Goodlettsville

**REQUESTED ACTION:** Reduced setbacks and reduced separation as listed below

**Reduced Setbacks Proposed:**

*\*Measurements per applicant's submitted plans*

Proposed one hundred thirty (130') feet tower requires seventy-five (75%) percent of tower height setbacks to property line- ninety-seven and a half (97.5') feet setback

North Property Boundary: 40' feet- 57.5' feet reduced setback/variance

South Property Boundary: 96' feet – 1.5' feet reduced setback/variance

West Property Boundary: N/A- 135' feet to Cartwright Street

East Property Boundary: 50' feet- 47.5' feet reduced setback/variance

**Reduced Separation Proposed:**

Proposed one hundred thirty (130') feet tower requires two hundred (200') feet or three hundred (300%) percent height of tower to one-family or duplex residential units and no separation other than setback to non-residential zoned or non-residential uses- 390' feet separation

*\*Measurements per applicant's submitted plans and on-line measurements- Nashville Parcel Viewer data*

North – N/A

South –N/A

East- N/A

West- 300' feet to house at the corner of Cartwright and Connell Streets - 90' feet reduced separation/variance

**Adjacent Property Zoning:**

North- IG, Industrial General

South- CS, Commercial Services Limited

East- IR, Industrial Restricted (Across I-65)

West- IG, Industrial General

**STAFF NOTES:**

The City in November 1998 adopted Ordinance 98-571 which includes regulations for Wireless Telecommunications Towers and Antenna facilities.

Per the Ordinance, the proposed cellular tower since it is within an industrial zoned property is permitted as an administrative use by the City's Planning Director. Per the Ordinance all towers in the non-residential zoning districts are required to meet defined sections of the ordinance including setbacks from towers to property lines and separations to off-site uses. Per the ordinance, the Board of Zoning Appeals has the ability to review requests to reduce the setbacks and separations if the goals of the ordinance would be better served by granting the reduced setback and separations.

The Board of Zoning Appeals at the October 1, 2019 denied the request from the same applicant for the same tower proposal for the property at the corner of Deport Street and Church Street. The Board of Zoning Appeals denied the request based on the request not meeting setback requirements. The proposal required a reduced setback/ variance adjacent to an adjacent property containing a non-conforming one family dwelling within a CSL- Commercial Services Limited zoning district and reduced separation/variance distances to thirteen (13) non-conforming one family dwellings. The revised request is for the same one hundred (130') feet tower. The requested reduced setbacks are listed below and are similar to the setbacks at the previous meeting but none of the reduced setbacks/variances requested are to properties containing a one family residential unit. There is one non-conforming one family dwelling unit at the corner of Cartwright Street and Connell Street that would be within the three hundred and ninety (390') feet separation from the tower.

The revised separation dimensions to the existing towers are listed below and are still within the requirements of the City's Zoning Ordinance.

The State of Tennessee Code Annotated sections 13-24-301 through 13-24-305 includes the limitations that local government have for regulating towers. The Federal Communications

Commission (FCC) Telecommunications act of 1996 defines the limited regulations available for local communities and preempts local government regulation of tower placement, construction, and modification on the basis of the environmental effects of radio frequency emissions. The FCC regulates radio frequency emission issues.

The Board's decision needs to be made based on the information submitted in the application packet and information presented at the meeting by the applicant. Staff would recommend the decision to approve or deny be based on the information and the basis for the motion clearly defined. Any motion for a one-month deferral in the case of additional requested information should only be upon agreement from the applicant.

The City's specific ordinance does not define a review process for reduced setbacks and separation other than "if the goals of this ordinance would be better served thereby" which is similar but different that review process defined for zoning variances. Staff would recommend the Board review the purpose of the ordinance (front page of attached Ordinance 98-571) and the City's Zoning Ordinance review criteria for variances listed below to assist in defining a basis for making a motion.

**STAFF RECOMMENDATION:** Approval since the proposal is within an IG, Industrial Zoning District that meets the location intention of the City's Zoning Ordinance and the district is a less restrictive zoning district then the IR, Industrial Restricted zoning district of the previous proposal. The requested reduced setbacks/variances are not to any property containing a one family dwelling unit or with a defined zoning district or comprehensive plan designation for any future one family or multi-family residential units. The recommendation is also based on the proposed reduced separation/variance to the existing one family dwelling unit in the area is more than double the dimension of the proposed one hundred and thirty feet (130') tower height.

## **Referenced Zoning Ordinance Section:**

### **Ordinance 98-571 Wireless Telecommunications Towers and Antenna facilities (included with meeting packet)**

#### **14-213. Administration and enforcement (8)**

##### **(8) Zoning Variances**

(8) Zoning variances. The board of zoning appeals may grant variances where it makes findings of fact based upon the standards prescribed in this section. § 14-213(7)(h)(ii) of this chapter.

(c) Standards for variances. The board shall not grant a variance unless it makes findings based upon evidence presented to it as follows:

(i) The particular physical surroundings, shape, topographic conditions of the specific property involved that would result in a particular hardship upon the owner as distinguished

from a mere inconvenience, if the strict application of this ordinance were carried out must be stated;

(ii) The conditions upon which the petition for a variance is based would not be applicable, generally, to other property within the same district;

(iii) The variance will not authorize activities in a zone district other than those permitted by this ordinance;

(iv) Financial returns only shall not be considered as a basis for granting a variance;

(v) The alleged difficulty or hardship has not been created by any person having an interest in the property after the effective date of this ordinance;

(vi) That granting the variance requested will not confer on the applicant any special privilege that is denied by this ordinance to other lands, structures, or buildings in the same districts;

(vii) The variance is the minimum variance that will make possible the reasonable use of the land, building, or structure;

(viii) The granting of the variance will not be detrimental to the public welfare or injurious to other property or improvements in the area in which the property is located; and

(ix) The proposed variance will not impair an adequate supply of light and air to adjacent property, substantially increase the congestion in the public streets, increase the danger of fire, endanger the public safety, or substantially diminish or impair property values within the area.

(d) Non-conformity does not constitute grounds for granting of a variance. No non-conforming use of neighboring lands, structures, or buildings in the same district, and no permitted or nonconforming use of lands, structures, or buildings in other districts shall be considered grounds for the issuance of a variance.

(e) Prohibition of use variances. Under no circumstances shall the board of appeals grant a variance to allow a use not permissible under the terms of this ordinance in the district involved, or any use expressly or by implication prohibited by the terms of this ordinance in said district.

(f) Conditions and restrictions by the board. The board may impose such conditions and restrictions upon the premises benefitted by a variance as may be necessary to comply with the provisions set out in § 14-213(8)(c) above to reduce or minimize the injurious effect to such variation upon surrounding property and better carry out the general intent of this ordinance. The board may establish expiration dates as a condition or as a part of the variances.

### **Existing Tower Separations:**

Location- Tower Type- Property Zoning- Separation from Proposed Monopole\*

South Cartwright-280' Lattice type- IG- Industrial General- 5,410 feet

Moss Trail/Rivergate Parkway – 150' Lattice type- CSL, Commercial Services Limited -5,900 feet- Approved June 1984

Drycreek Road/Dickerson Pike/SR 11/Hwy 41- Cellular antennas on electric tower – CPUD, Commercial Planned Unit Development -11,200 feet

Springfield Highway adjacent to I-65- 200' Lattice type- CPUD, Commercial Planned Unit Development- 10,200 feet- Approved June 1998

1030 Williamson Road adjacent to I-65- 285' Lattice type- A, Agricultural -11,400 feet

Alta Loma Road adjacent to I-65- 140' Monopole type- HDRPUD, High Density Residential Planned Unit Development- 9,900 feet- Approved April 1996

Alta Loma Road/Behind Rivergate Church of Christ – 120' Monopole type- CSL, Commercial Services Limited -11,400 feet -Approved May 1998

Others:

Conner Drive –Utility Communication Tower – Lattice type- 7,100 feet

City Hall- Emergency Services Communication Tower – Lattice type-2,820 feet

Willis Branch (Outside City Limits) – Monopole type -11,000 feet

\*Measurements based on Google Earth on-line maps



GOODLETTSVILLE BOARD OF ZONING AND SIGN APPEALS  
GOODLETTSVILLE CITY HALL – 105 SOUTH MAIN STREET  
GOODLETTSVILLE, TENNESSEE 37072

APPLICATION FOR A ZONING ORDINANCE VARIANCE

Applicant Patricia Eboko Grimes Case No. \_\_\_\_\_  
Owner MP home solutions pro inc Map No. \_\_\_\_\_  
Address 632 Wade Circle, goodlettsville TN Parcel No. \_\_\_\_\_

Based on the powers and jurisdiction of the Goodlettsville Board of Zoning Appeals as set forth in Title 14, Section 14-213(8) of the Municipal Code, a variance is hereby requested for an exception to the zoning regulations as follows:

2 ft. variance each side  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

at (physical address) \_\_\_\_\_

The undersigned agrees to appear at the public hearing for the request and shall furnish all required plans and data.

Patricia Grimes  
Owner Signature (if Different from Applicant)  
Patricia Grimes  
Print Name of Owner/Applicant

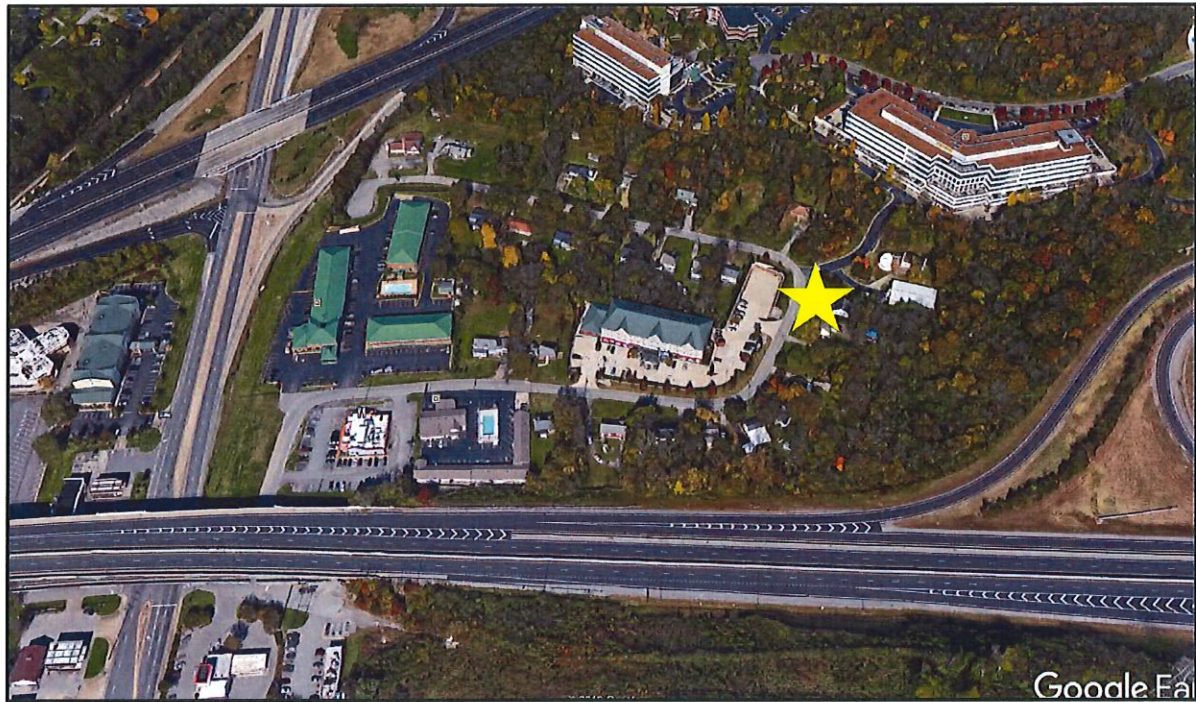
Patricia Grimes  
Applicant (Signature)  
1421 Tennessee Ct  
Address  
Nashville TN 37207  
City ST Zip  
615-397-1944  
Phone (Daytime)  
MPhomesolutionspro@gmail.com  
E-Mail Address

02614001200  
632 Wade Circle

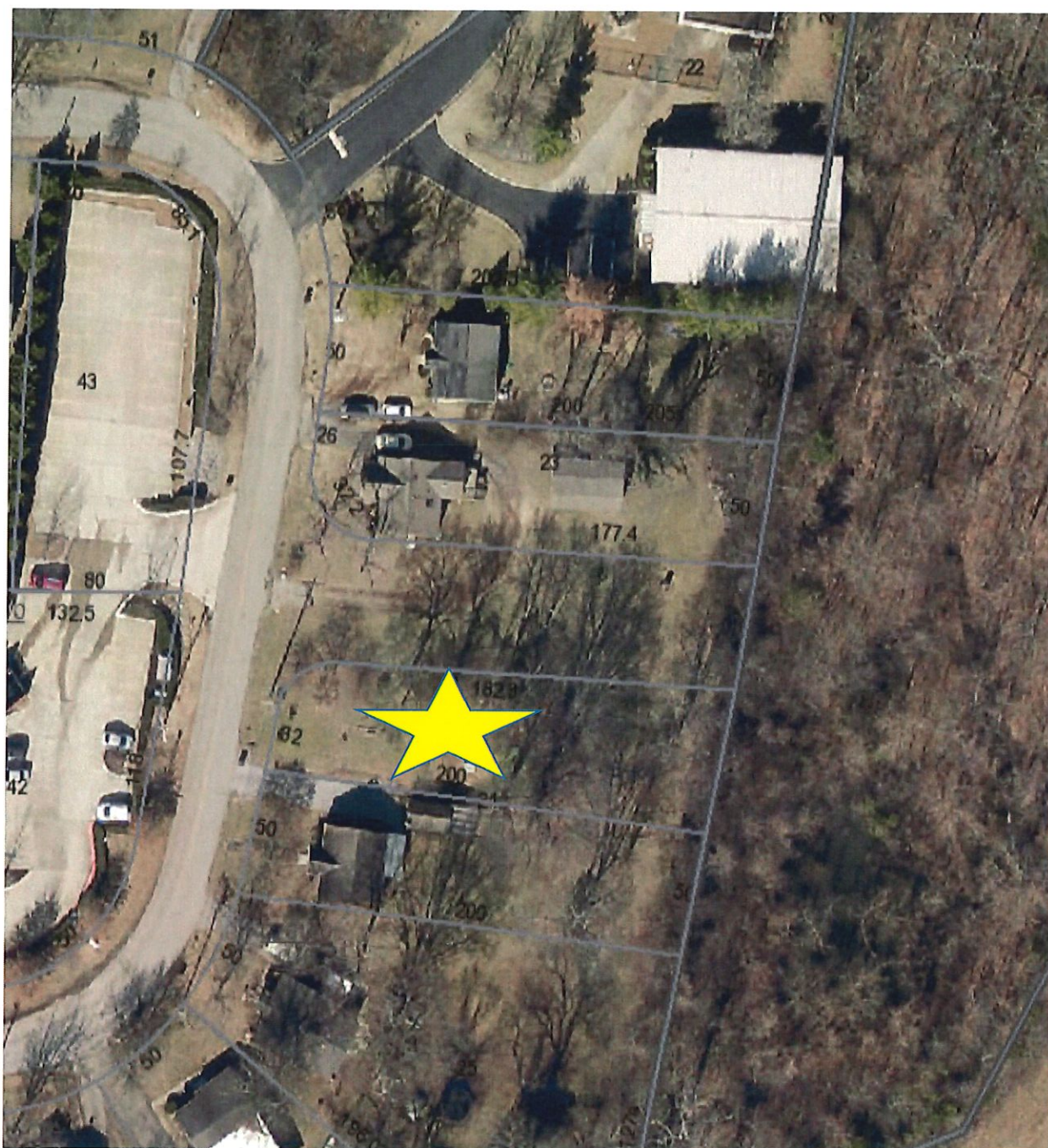
1. REQUIRED APPLICATION FEE \$200.00
2. ATTACH ALL REQUIRED PLANS AND SUPPORTING DOCUMENTS.
3. THE APPLICANT WILL BE NOTIFIED OF THE APPEALS BOARD MEETING DATE.

ACTION TAKEN: BZA Meeting Tuesday  
Oct 1, 2019 DATE: 9-17-19

ITEM#1







SUBDIVISION NO. 46-3  
COMMISSION'S RELEASE

THIS PLAN IS HEREBY RELEASED FOR RECORD, BEING A RECORD  
OF AN APPROVED SUBDIVISION.  
DATE

*Chas. W. H. H. H.*  
Commissioner

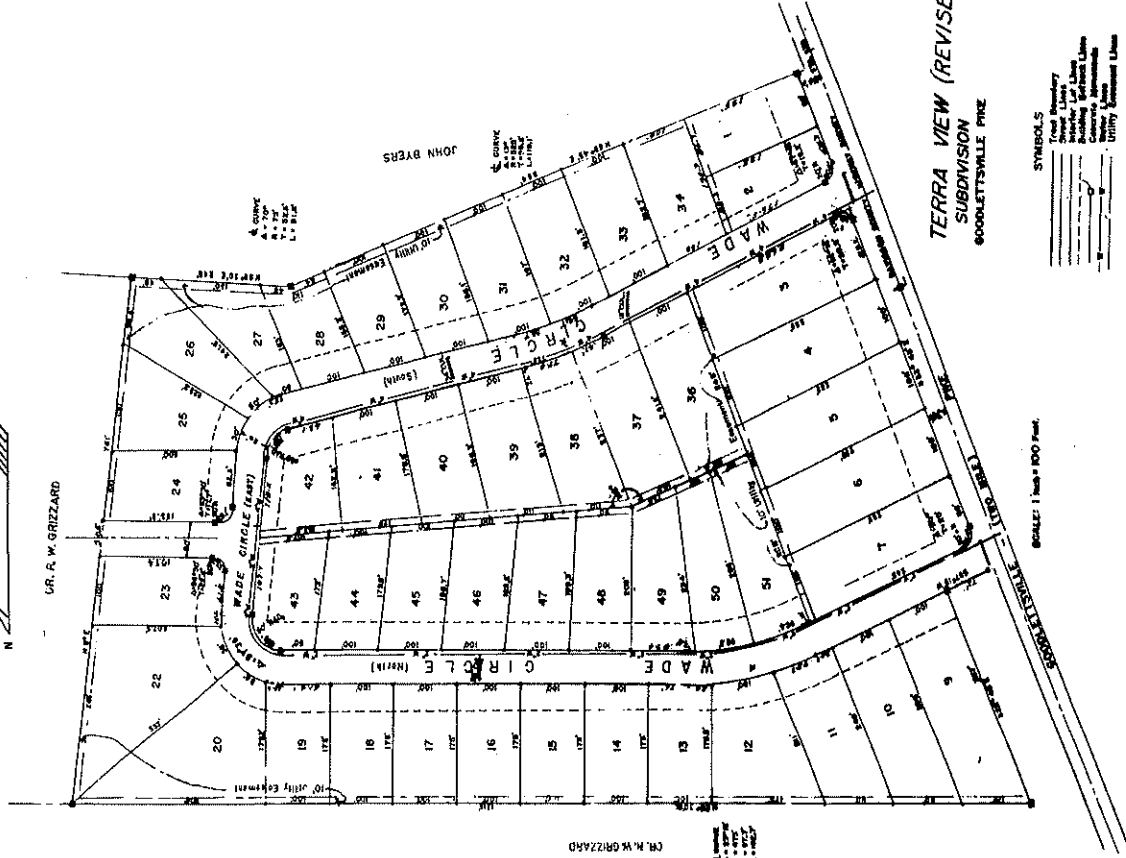
ORIGINAL RECORDING SUPERSEDED BY THIS PLAN  
RECORDED 4-3-46 BOOK 1130 PAGE 69 of the  
Register's Office of Davidson County, Tennessee.

RECORDED BOOK 1228, PAGE 4 of the  
Register's Office of Davidson County, Tennessee.

TERRA VIEW (REVISED)  
SUBDIVISION  
GOODLETTSVILLE, TENN.

SYMBOLS

—	Trunk Boundary
—	Side Boundary
—	Interior Lot Line
—	Building Footprint Line
—	Water
—	Utility
—	Utility



OWNER'S CERTIFICATE

I HEREBY CERTIFY THAT I AM THE OWNER AND ADOPT THE  
PLAN AND SUBDIVISION SHOWN HEREON AND DELEGATE ALL PUBLIC DUTIES AND OBLIGATIONS AS NOTED

Name *Franklin T. H. H.*  
Address *Goodlettsville, Tenn.*

SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY THAT THE PLAN AND SUBDIVISION IS CORRECT  
AND THAT APPROVED MONUMENTS SHOWN AS "1" HAVE BEEN  
PLACED AS INDICATED.

Name *Franklin T. H. H.*  
Address *Goodlettsville, Tenn.*

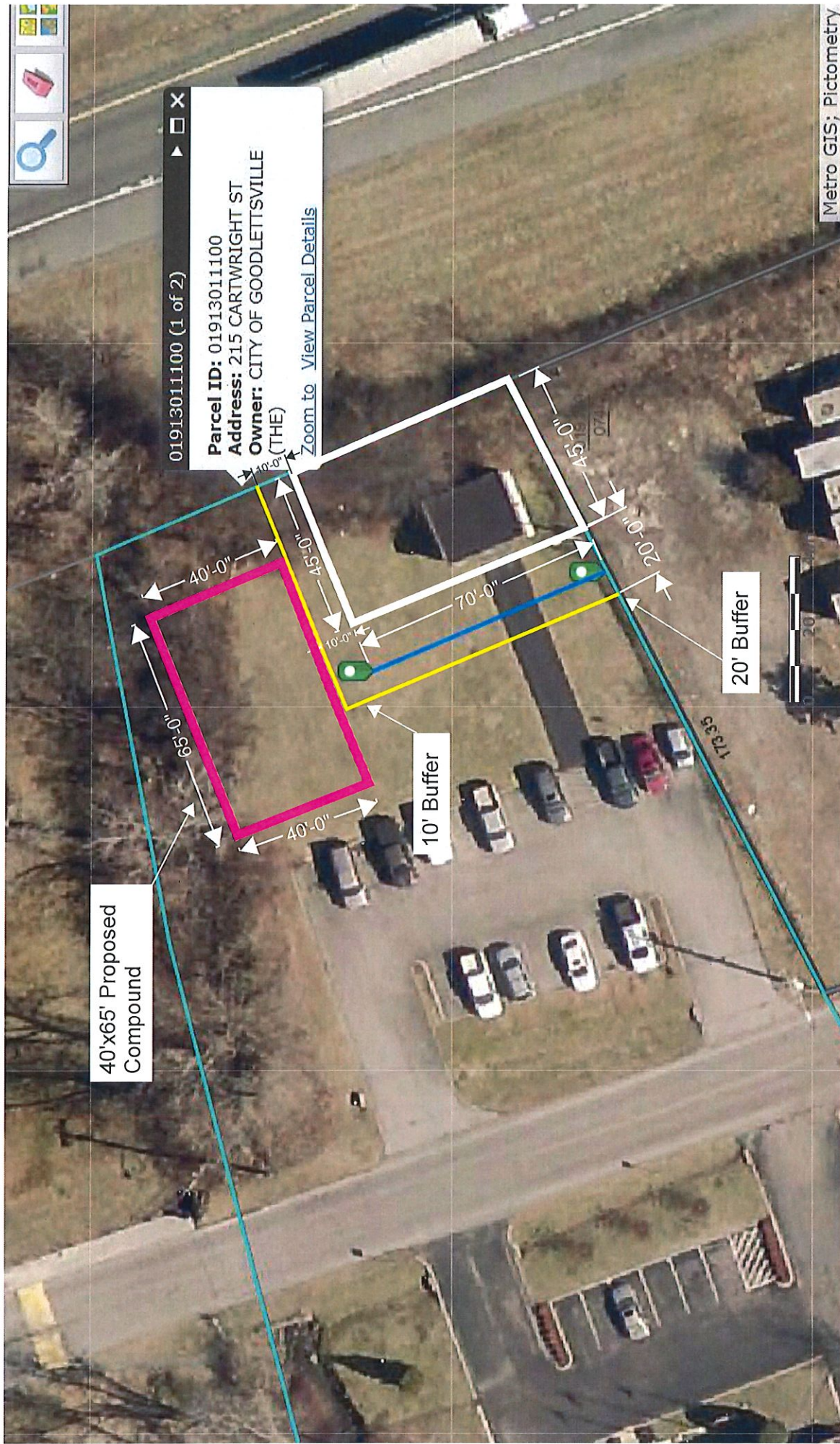
SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY THAT I HAVE SUPERSEDED THE REVISED  
PLAN AS SHOWN HEREON AND THAT APPROVED MONUMENTS SHOWN  
HEREON AS "1" HAVE BEEN PLACED AS INDICATED.

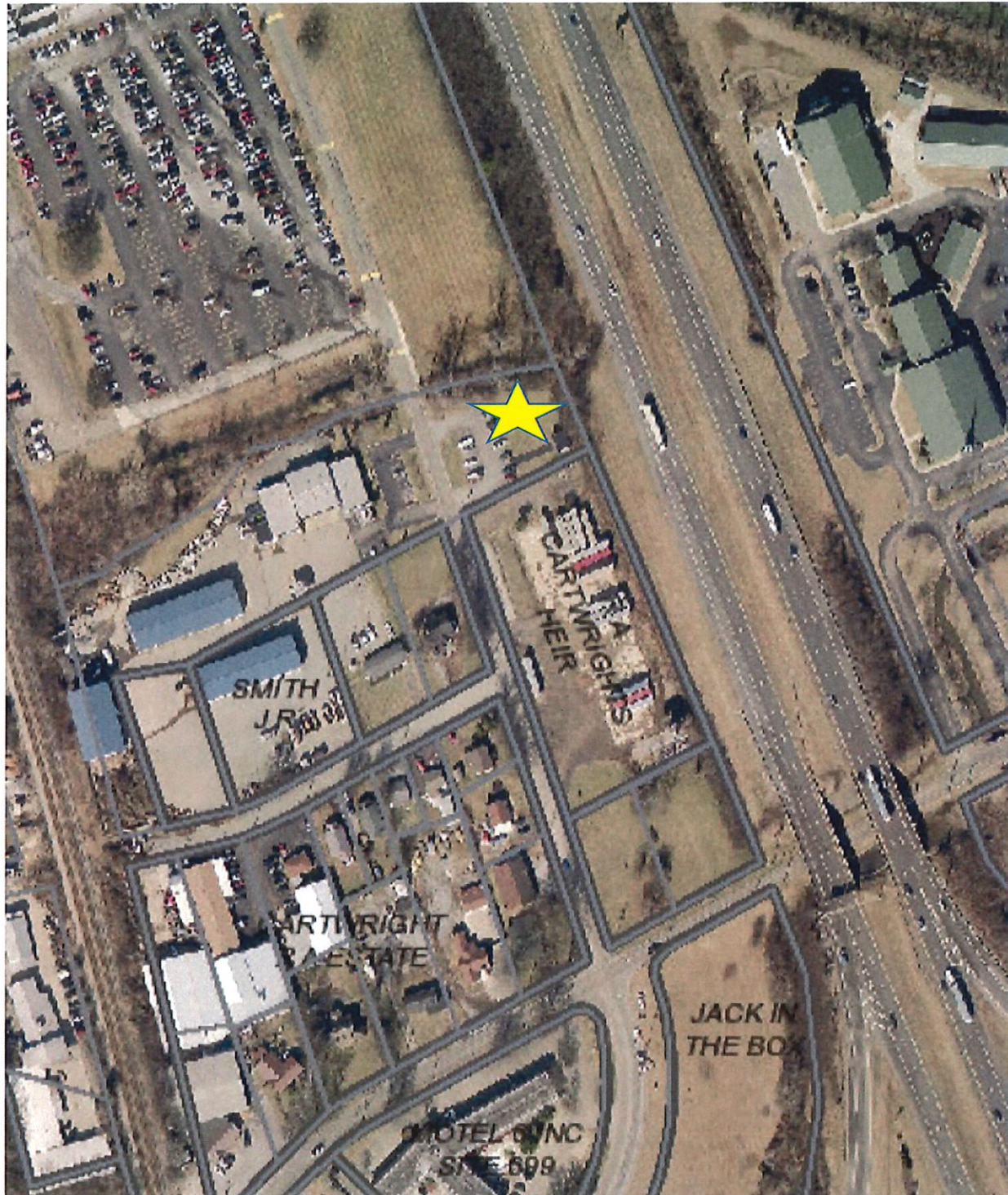
Name *Franklin T. H. H.*  
Address *Goodlettsville, Tenn.*



# PROPOSED SITE PLAN









ITEM#2



TOWER NOTES:

1. THE PROPOSED TOWER, FOUNDATION, ANTENNA MOUNTS, AND ANTENNAS WERE DESIGNED BY OTHERS.
2. THE TOWER ELEVATION SHOWN IS FOR REFERENCE ONLY.
3. CONTRACTOR TO FIELD VERIFY ANTENNA MOUNT CONFIGURATION WITH T-MOBILE. ALL ANTENNAS AND MOUNTING HARDWARE SHALL CONFORM TO DESIGN REQUIREMENTS PER INTERNATIONAL BUILDING CODE LATEST EDITION AND 947.10-22.45 STRUCTURAL STANDARDS FOR STEEL TOWER MOUNTING HARDWARE. ALL ANTENNAS AND MOUNTING HARDWARE SHALL BE LISTED IN TOWER DRAWINGS. BASIC WIND SPEED AS LISTED IN TOWER DRAWINGS.
4. SEE TOWER MANUFACTURER'S DRAWINGS FOR TOWER AND FOUNDATION DETAILS & SPECIFICATIONS.
5. MANUFACTURER'S DRAWINGS SUPERSEDE A&E DRAWINGS.
6. SEE BIDS AND PLUMBING DIAGRAMS PROVIDED BY T-MOBILE FOR ANTENNA CABLEING, AND EQUIPMENT INFORMATION.

GENERAL NOTES:

1. ALL WORK PRESENTED ON THESE DRAWINGS MUST BE COMPLETED BY THE CONTRACTOR. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS.
2. ALL MATERIALS AND EQUIPMENT FURNISHED SHALL BE NEW AND OF GOOD QUALITY. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS.
3. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS.
4. ALL DIMENSIONS SHALL BE VERIFIED WITH THE PLANS (LATEST REVISION) PRIOR TO COMMENCING CONSTRUCTION. NOTIFY THE OWNER IMMEDIATELY IF DISCREPANCIES ARE DISCOVERED.
5. ALL MATERIALS AND WORKMANSHIP SHALL BE WARRANTED FOR ONE (1) YEAR FROM THE DATE OF ACCEPTANCE.

POD  
POWER OF DESIGN  
11400 WOODWAY  
GOODLETTSVILLE, TN 37072  
615-443-7624

verticalbridge

PREPARED FOR:  
T-Mobile

REGISTERED PROFESSIONAL ENGINEER  
MARK EDWARD PATTERSON  
Agriculture  
No. 116658  
STATE OF TENNESSEE

CONSTRUCTION DRAWINGS

REV	DATE	DESCRIPTION
A	7.25.19	ISSUED FOR REVIEW
B	8.21.19	TOWER LOCATION
C	8.30.19	ISSUED AS FINAL

SITE INFORMATION:  
GOODLETTSVILLE  
212 CHURCH STREET  
GOODLETTSVILLE, TN 37072  
DAVIDSON COUNTY

SITE NUMBER:  
US-TN-5087

T-MOBILE SITE NUMBER:  
94V811G

POD NUMBER:  
18-27757

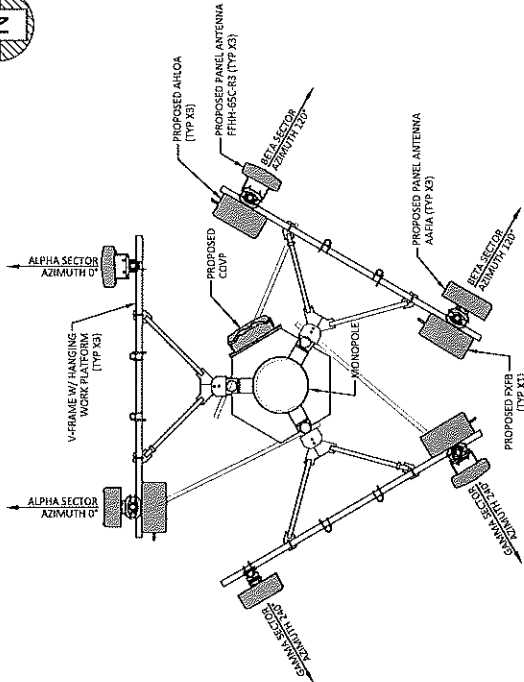
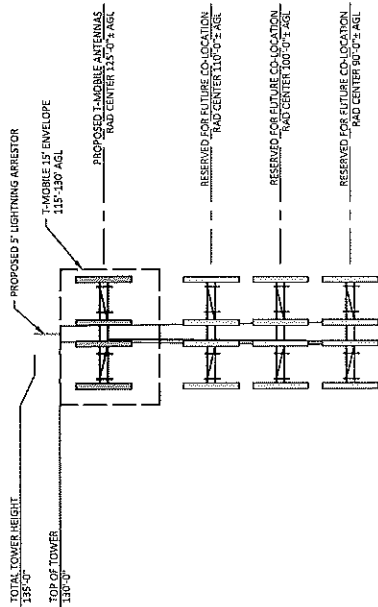
DRAWN BY:  
KOP

CHECKED BY:  
JES

DATE:  
7.25.19

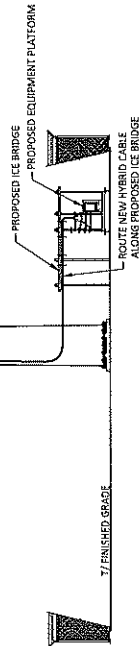
TOWER ELEVATION & ANTENNA LAYOUT

SHEET NUMBER:  
C-3



NOTE:  
ANTENNA ORIENTATION PER  
T-MOBILE OF DATA SHEETS

PROPOSED ANTENNA LAYOUT  
NOT TO SCALE





ORDINANCE NO. 98-571

**AN ORDINANCE OF THE CITY OF GOODLETTSVILLE, TENNESSEE  
PROVIDING FOR DEFINITIONS, CONDITIONS, REGULATIONS, AND  
PERMITTING PROCESSES FOR WIRELESS TELECOMMUNICATIONS  
TOWERS AND ANTENNAS.**

WHEREAS, the Board of Commissioners of the City of Goodlettsville, Tennessee, desires to create and establish regulations for telecommunications towers; and

WHEREAS, the City of Goodlettsville, has received or expects to receive requests to site wireless communication towers and antennas within the municipal boundaries; and

WHEREAS, the City of Goodlettsville finds that it is in the public interest and it is required by law to permit the siting of wireless communication towers and antennas within the municipal boundaries; and

WHEREAS, it is the intent of the City of Goodlettsville to protect and promote the public health, safety and welfare by regulating the siting of wireless communication towers and antennas;

**NOW, THEREFORE, BE IT ENACTED BY THE BOARD OF COMMISSIONERS OF THE CITY OF GOODLETTSVILLE, AS FOLLOWS:**

**SECTION 1.** That a new Title 11, Chapter 9, Section 906 be added to read as follows:

Section 11-906                      WIRELESS TELECOMMUNICATION TOWERS AND ANTENNAS

(a) PURPOSE

The purpose of this ordinance is to establish general guidelines for the siting of wireless communication towers and antennas. The goals of this ordinance are to: (1) protect residential areas and land uses from potential adverse impacts of towers and antennas; (2) encourage the location of towers in non-residential areas; (3) minimize the total number of towers throughout the community; (4) strongly encourage the joint use of new and existing tower sites as a primary option rather than construction of additional single-use towers; (5) encourage user of towers and antennas to locate them, to the extent possible, in areas where the adverse impact on the community is minimal; (6) encourage users of towers and antennas to configure them in a way that minimizes the adverse visual impact of the towers and antennae through careful design, siting, landscape screening, and innovative camouflaging techniques; (7) enhance the ability of the providers of telecommunications services to provide such services to the community quickly, effectively, and efficiently; (8) consider the public health and safety of communication towers; and (9) avoid potential damage to adjacent

properties from tower failure through engineering and careful siting of tower structures. In furtherance of these goals, City of Goodlettsville shall give due consideration to it's master plan, zoning map, existing land uses, and environmentally sensitive areas in approving sites for the location of towers and antennae.

(b) DEFINITIONS

As used in this ordinance, the following terms shall have the meanings set forth below:

- (1) Alternative Tower Structure means man-made trees, clock towers, bell steeples, light poles and similar alternative-design mounting structures that camouflage or conceal the presence of antennas or towers.
- (2) Antenna means any exterior transmitting or receiving device mounted on a tower, building or structure and used in communications that radiate or capture electromagnetic waves, digital signals, analog signals, radio frequencies (excluding radar signals), wireless telecommunications signals or other communication signals.
- (3) Backhaul Network means the lines that connect a provider's towers/cell sites to one or more cellular telephone switching offices, and/or long distance providers, or the public switched telephone network.
- (4) FAA means the Federal Aviation Administration.
- (5) FCC means the Federal Communications Commission.
- (6) Height means, when referring to a tower or other structure, the distance measured from the finished grade of the parcel to the highest point on the tower or other structure, including the base pad and any antenna.
- (7) Tower means any structure that is designed and constructed primarily for the purpose of supporting one or more antennas for telephone, radio and similar communication purposes, including self-supporting lattice towers, guyed towers, or monopole towers. The term includes radio and television transmission towers, microwave towers, common-carrier towers, cellular telephone towers, alternative tower structures, and the like. The term includes the structure and any support thereto.

(c) APPLICABILITY

- (1) New Towers and Antennas. All new towers or antennas in the City of Goodlettsville shall be subject to these regulations, except as provided in Sections (c)(2) through (4), inclusive.

- (2) Amateur Radio Station Operator/Receive Only Antennas. This section shall not govern any tower, or the installation of any antenna, that is under forty feet in height and is owned and operated by a radio station operator or is used exclusively for receive only antennas. All other applicable regulations to towers 40' and found within this ordinance shall continue to apply.
- (3) Preexisting Towers or Antennae. Preexisting towers and preexisting antennae shall not be required to meet the requirements of this ordinance, other than the requirements of Sections (d)(6) and (d)(7).
- (4) AM Array. For purposes of implementing this ordinance, an AM array, consisting of one or more tower units and supporting ground system which functions as one AM broadcasting antenna, shall be considered one tower. Measurements for setbacks and separation distances shall be measured from the outer perimeter of the towers included in the AM array. Additional tower units may be added within the perimeter of the AM array by right.

(d) GENERAL REQUIREMENTS

- (1) Principal or Accessory Use. Antennae and towers may be considered either principal or accessory uses. A difference existing use of an existing structure on the same lot shall not preclude the installation of an antenna or tower on such lot.
- (2) Lot Size. For purposes of determining whether the installation of a tower or antenna complies with zoning district regulations including but not limited to setback requirements, lot coverage requirements, and other such requirements, the dimensions of the entire lot shall control, even though the antennas or towers may be located on leased parcels within such lot.
- (3) Inventory of Existing Sites. Each applicant for an antenna and/or tower shall provide to the Planning Director an inventory of its existing towers, antennas, or sites approved for towers or antennas, that are either within the jurisdiction of the City of Goodlettsville or within one (1) mile of the corporate limits, including specific information about the location, height, and design of each tower. The Planning Director may share such information with other applicants applying for administrative approvals or special use permits under this ordinance or other organizations seeking to locate antennas within the jurisdiction of the City of Goodlettsville, provided, however that the Planning Director is not, by sharing such information, in any way representing or warranting that such sites are available or

suitable for tower construction.

- (4) Aesthetics. Towers and antennae shall meet the following requirements.
- (a) Towers shall either maintain a galvanized steel finish, or, subject to any applicable standards of the FAA, be painted a neutral color so as to reduce visual obstructiveness.
  - (b) At a tower site, the design of the buildings and related structures shall, to the extent possible, use materials, colors, textures, screening and landscaping that will blend them into the natural setting and/or surrounding buildings.
  - (c) If an antenna is installed on a structure other than a tower, the antenna and supporting electrical and mechanical equipment must be of a neutral color that is identical to, or closely compatible with, the color of the supporting structure so as to make the antenna and related equipment as visually unobstrusive as possible.
- (5) Lighting. Towers shall not be artificially lighted, unless required by the FAA or other applicable authority. If lighting is required, the lighting alternatives and design chosen must cause the least disturbance to the surrounding views and to the surrounding building occupants.
- (6) State or Federal Requirements. All towers must meet or exceed current standards and regulations of the FAA, the FCC, and any other agency of the state or federal government with the authority to regulate towers and antennae. If such standards and regulations are changed, then the owners of the towers and antennas governed by this ordinance shall bring such towers and antennas into compliance with such revised standards and regulations within six (6) months of the effective date of such standards and regulations, unless a different compliance schedule is mandated by the controlling state or federal agency. Failure to bring towers and antennas into compliance with such revised standards and regulations shall constitute grounds for the removal of the tower or antenna at the owner's expense.
- (7) Building Codes: Safety Standards. To ensure the structural integrity of towers, the owner of a tower shall ensure by certification by a structural design engineer that it is maintained in compliance with standards contained in applicable state or local building codes, with sound engineering principles and the applicable standards for towers that are published by the Electronic Industries Association, as amended from time to time. If, upon inspection, the City

of Goodlettsville concludes that a tower fails to comply with such codes and standards and constitutes a danger to persons or property, then upon notice being provided to the owner of the tower, the owner shall have thirty (30) days to bring such tower into compliance with such standards. Failure to bring such tower into compliance within said thirty (30) days shall constitute grounds for the removal of the tower or antenna at the owner's expense.

- (8) Measurement. For purpose of measurement, tower setbacks and separation distances shall be calculated and applied to facilities located in the City of Goodlettsville irrespective of municipal and county jurisdictional boundaries.
- (9) Franchises. Owners and/or operators of towers or antennae shall certify that all franchises required by law for the construction and/or operation of a wireless communication system in the City of Goodlettsville have been obtained and shall file a copy of all required franchises with the city.
- (10) Public Notice. For purposes of this ordinance, any special use request, variance request, or appeal of an administratively approved use or special use shall require public notice to all abutting property owners and all property owners of properties that may be directly impacted by such request as required by the Zoning Ordinance.
- (11) Signs. No signs shall be allowed on an antenna or tower.
- (12) Buildings and Support Equipment. Buildings and support equipment associated with antennas or towers shall comply with the requirements of Section (h).
- (13) Multiple Antenna/Tower Plan. The City of Goodlettsville encourages the users of towers and antennae to submit a single application for approval of multiple sites shall be given priority in the review process.

(e) EXCEPTIONS

- (1) The provisions of this part shall not apply to:
  - (a) antennae or towers located on property owned, leased, or otherwise controlled by the city and under 40" in height.
  - (b) antennas or towers located on property owned, leased, or otherwise controlled by the city and over 40' in height, and in accordance with Section (f)(1) and (2) of this part.

(f) ADMINISTRATIVELY APPROVED USES

(1) General. The following provisions shall govern the issuance of administrative approvals for towers and antennas.

- (a) The Planning Director may administratively approve the uses listed in this Section.
- (b) Each applicant for administrative approval shall apply to the Planning Director providing the information set forth in Sections (g)(2)(a) and (g)(2)(b) of this ordinance and a nonrefundable fee as established by resolution of the City Commission to reimburse the City of Goodlettsville for the costs of reviewing the application.
- (c) The Planning Director shall review the application for administrative approval and determine if the proposed use complies with Sections (d), (g)(2)(c) and (g)(2)(d) of this ordinance.
- (d) The Planning Director shall respond to each such application within sixty (60) days after receiving it by either approving or denying the application. If the Planning Director fails to respond to the applicant within said sixty (60) days, then the applicant may file a request with the City Manager for a directed action for approval.
- (e) In connection with any such administrative approval, the Planning Director may, in order to encourage the use of monopoles, administratively allow the reconstruction of an existing tower to monopole construction.
- (f) If an administrative approval is denied, the applicant may file an application for a special use permit pursuant to Section (g) of this part and other applicable provisions of the conditional use permit found in Article IV of this ordinance.

(2) List of Administratively Approved Uses. The following uses may be approved by the Planning Director after conducting an administrative review.

- (a) Locating a tower or antenna, including the placement of additional buildings or other supporting equipment used in connection with said tower or antenna, in any Industrial District.
- (b) Locating antennae on existing structures or towers consistent with the terms of subsections (i) and (ii) below:

- (i) Antennae on existing structures. Any antenna which is not attached to a tower may be approved by the Planning Director as an accessory use to any commercial, industrial, professional, institutional, or structure located within the CS or CG or any Industrial District, provided:
  - (1) The antenna does not extend more than thirty (30) feet above the highest point of the structure; and
  - (2) The antenna complies with all applicable FCC and FAA regulations; and
  - (3) The antenna complies with all applicable building codes.
- (ii) Antennae on existing towers. An antenna which is attached to an existing tower may be approved by the Planning Director and, to minimize adverse visual impacts associated with the proliferation and clustering of towers, collocation of antennae by more than one carrier on existing towers shall take precedence over the construction of new towers, provided such collocation is accomplished in a manner consistent with the following:
  - (1) A tower which is modified or reconstructed to accommodate the collocation of an additional antenna shall be of the same tower type as the existing tower, unless the Planning Director allows reconstruction as a monopole.
  - (2) Height
    - (a) An existing tower may be modified or rebuilt to a taller height, not to exceed thirty (30) feet over the tower's existing height, to accommodate the collocation of an additional antenna.
    - (b) The height change referred to in subsection (2)(a) of this part may only occur one time per communication tower.
    - (c) The additional height referred to in subsection (2)(a) of this part shall not require an additional distance separation as set forth in Section (g). The tower's premodification height shall be used to calculate such distance separations.

(3) Onsite location

- (a) A tower which is being rebuilt to accommodate the collocation of an additional antenna may be moved onsite within fifty (50) feet of its existing location.
  - (b) After the tower is rebuilt to accommodate collocation, only one tower may remain on the site.
  - (c) A relocated onsite tower shall continue to be measured from the original tower location for purposes of calculating separation distances between towers pursuant to section (g)(2)(d). The relocation of a tower hereunder shall in no way be deemed to cause a violation of Section (g)(2)(d).
  - (d) The onsite relocation of a tower which comes within the separation distances to residential units or residentially zoned lands as established in Section (g)(2)(d) shall only be permitted when approved by the Planning Director.
- (c) New Towers in non-residential zoning districts. Locating any new tower in any Industrial District or the CS or CG Commercial District, provided a licensed professional engineer certifies the tower can structurally accommodate the number of shared users proposed by the applicant; the Planning Director concludes the tower is in conformity with the goals set forth in Section (a) and the requirements of Section (d); the tower meets the setback requirements in Section (g)(2)(c) and separation distances in Section (g)(2)(d) and all other provisions in Section (g); and the tower meets the following height and usage criteria:
- (i) for a single user, up to ninety (90) feet in height;
  - (ii) for two users, up to one hundred twenty (120) feet in height; and
  - (iii) for three or more users, up to one hundred (150) feet in height.
- (d) Locating any alternative tower structure in a zoning district other than industrial or heavy commercial that



in the judgment of the Planning Director is in conformity with the goals set forth in Section (a) of this ordinance.

- (e) Installing a cable microcell network through the use of multiple low-powered transmitter/receivers attached to existing wireline systems, such as conventional cable or telephone wires, or similar technology that does not require the use of towers.

(g) **CONDITIONAL USE PERMITS**

- (1) General. The following provisions shall govern the issuance of conditional use permits for towers or antennae by the Board of Zoning Appeals.

- (a) If the tower or antenna is not a permitted use under Section (e) of this ordinance or permitted to be approved administratively pursuant to Section (f) of this ordinance, then a conditional use permit shall be required for the construction of a tower or the placement of an antenna in all zoning district classifications.

- (b) Applications for conditional use permits under this Section shall be subject to the same procedures and requirements of all other conditional use permits as specified by Chapter 14, Section 11-1409.

- (c) In granting a conditional use permit, the Board of Zoning Appeals may impose conditions to the extent the Board of Zoning Appeals concludes such conditions are necessary to minimize adverse effects of the proposed tower on adjoining properties.

- (4) Any information of an engineering nature that the applicant submits, whether civil, mechanical, or electrical, shall be certified by a licensed professional engineer under the guidelines of the State of Tennessee for such certifications.

- (e) An applicant for a conditional use permit shall submit the information described in this Section and a non-refundable fee as established by resolution of the city council to reimburse the City of Goodlettsville for the costs of reviewing the application.

- (2) (a) Information required. In addition to any information required for applications for conditional use permits pursuant to Article IV of this ordinance, applicants for a special use permit for a tower shall submit the following information:

- (i) A site plan meeting the requirements for a site plan as specified by Chapter 14, Section 11-1406(b)(2) clearly showing the location, type and height of the proposed tower, on-site land uses and zoning, adjacent land uses and zoning (including when adjacent to other municipalities), Master Plan classification of the site and all properties within the applicable separation distances set forth in Section (g)(2)(d), adjacent roadways, proposed means of access, setbacks from property lines, elevation drawings of the proposed tower and any other structures, topography, parking and other information deemed by the Planning Director to be necessary to assess compliance with this ordinance.
- (ii) Legal description of the parent tract and leased parcel (if applicable).
- (iii) The setback distance between the proposed tower and the nearest residential unit, platted residentially zoned properties, and unplatted residentially zoned properties.
- (iv) The separation distance from other towers described in the inventory of existing sites submitted pursuant to Section (d)(3) shall be shown on an updated site plan. The applicant shall also identify the type of construction of the existing tower(s) and the owner/operator of the existing tower(s), if known.
- (vi) Method of fencing, and finished color and, if applicable, the method of camouflage and illumination.
- (vii) A description of compliance with Sections (d)(3), (4), (5), (6), (7), (10), (11), and (12), (g)(2)(d) and all applicable federal, state or local laws.
- (viii) A description of the suitability of the use of the existing towers, other structures or alternative technology not requiring the use of towers or structures to provide the services to be provided through the use of the proposed new tower.
- (ix) A description of the feasible location(s) of future towers or antennas within the City of Goodlettsville based upon existing physical, engineering, technological or geographical limitations in the event the proposed tower is erected.

(b) Factors Considered in Granting Special Use Permits for Towers. In addition to any standards for consideration of conditional use permit applications pursuant to Article IV, the Board of Zoning Appeals shall consider the following factors in determining whether to issue a special use permit, although the Board of Zoning Appeals may waive or reduce the burden on the applicant of one or more of these criteria if the Board of Zoning Appeals concludes that the goals of this ordinance are better served thereby:

- (i) Height of proposed tower;
- (ii) Proximity of the tower to residential structures and residential district boundaries;
- (iii) Nature of uses on adjacent and nearby properties;
- (iv) Surrounding topography;
- (v) Surrounding tree coverage and foliage;
- (vi) Design of the tower, with particular reference to design characteristics that have the effect of reducing or eliminating visual obtrusiveness;
- (vii) Proposed ingress and egress; and
- (viii) Availability of Suitable Existing Towers, Other Structures, or Alternative Technology. No new tower shall be permitted unless the applicant demonstrates to the reasonable satisfaction of the Board of Zoning Appeals that no existing tower, structures, or alternative technology that does not require the use of towers or structures can accommodate the applicant's proposed antenna. An applicant shall submit information requested by the Board of Zoning Appeals related to the availability of suitable existing towers, other structures or alternative technology. Evidence submitted to demonstrate that no existing tower, structure, or alternative technology can accommodate the applicant's proposed antenna may consist of any of the following:
  - (1) No existing towers or structures are located within the geographic area which meet applicant's engineering requirements.
  - (2) Existing towers or structures are not of sufficient height to meet applicant's engineering requirements.

- (3) Existing towers or structures do not have sufficient structural strength to support applicant's proposed antenna and related equipment.
  - (4) The applicant's proposed antenna would cause electromagnetic interference with the antenna on the existing towers or structures, or the antenna on the existing towers or structures would cause interference with applicant's proposed antenna.
  - (5) The fees, costs, or contractual provisions required by the owner in order to share an existing tower or structure or to adapt an existing tower or structure for sharing are unreasonable.
  - (6) The applicant demonstrates that there are other limiting factors that render existing towers and structures unsuitable.
  - (7) The applicant demonstrates that an alternative technology that does not require the use of towers or structures, such as a cable microcell network using multiple low-powered transmitters/receivers attached to a wireline system, is unsuitable. Costs of alternative technology that exceed new tower or antenna development shall not be presumed to render the technology unsuitable.
- (c) Setbacks. The following setback requirements shall apply to all towers for which a special use permit is required provided, however, that the Board of Zoning Appeals may reduce the standard setback requirements if the goals of this ordinance would be better served thereby:
- (i) Towers must be setback a distance equal to a least seventy-five percent (75%) of the height of the tower from any adjoining lot line.
  - (ii) Guys and accessory buildings must satisfy the minimum zoning district setback requirements.
- (d) Separation. The following separation requirements shall apply to all towers and antennae for which a special use permit is required; provided, however, that the Board of Zoning Appeals may reduce the standard separation requirements if the goals of the ordinance would be better served thereby.

(i) Separation from off-site uses/designated areas.

(1) Tower separation shall be measured from the base of the tower to the lot line of the off-site areas as specified in Table 1, except as otherwise provided in Table 1.

(2) Separation requirements shall comply with the minimum standards established in Table 1.

Table 1:

Off-site Use/Designated Area	Separation Distance <sup>1</sup>
Single-family or duplex residential units	200 feet or 300% height of tower whichever is greater
Vacant single-family or duplex residentially zoned land which is either platted or has preliminary subdivision plan approval which is not expired.	200 feet or 300% height of tower whichever is greater.
Vacant unplatted residentially zoned lands.	200 feet or 200% height of tower whichever is greater.
Existing multi-family residential units greater than duplex units.	200 feet or 100% height of tower whichever is greater.
Non-residentially zoned lands or non-residential uses.	None; only setbacks apply.

(ii) Separation distances between towers. Separation distances between towers shall be applicable for and measured between the proposed tower and preexisting towers. The separation distances shall be measured by drawing or following a straight line between the base of the existing tower and the proposed base, pursuant to a site plan, of the proposed tower. The separation distances (listed in linear feet) shall be as shown in Table 2.

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<sup>1</sup>Separation distance is measured from base of tower to closest building setback line.

Table 2:

Existing Towers -Types

	Lattice	Guyed	Monopole 75 feet or higher.	Monopole less than 75 feet.
Lattice	5000	5000	1500	750
Guyed	5000	5000	1500	750
Monopole 75 feet or higher	1500	1500	1500	750
Monopole less than 75 feet.	750	750	750	750

- (e) Security fencing. Towers shall be enclosed by security fencing not less than six feet in height and shall also be equipped with an appropriate anti-climbing device; provided however, that the Board of Zoning Appeals may waive such requirements, as it deems appropriate.
- (f) Landscaping. The following requirements shall governing the landscaping surrounding towers for which a special use permit is required; provided, however, that the Board of Zoning Appeals may waive such requirements if the goals of this ordinance would be better served thereby.
  - (i) Tower facilities shall be landscaped with a buffer of plant materials that effectively screens the the view of the tower compound from property used for residences. The standard buffer shall consist of a landscaped strip at least twenty-five (25) feet wide outside the perimeter of the compound.
  - (ii) In locations where the visual impact of the tower would be minimal, the landscaping requirement may be reduced or waived.
  - (iii) Existing mature tree growth and natural land forms on the site shall be preserved to the maximum extent possible. In some cases, such as towers sited on large, wooded lots, natural growth around the property perimeter may be sufficient buffer.
- (h) BUILDINGS OR OTHER EQUIPMENT STORAGE
  - (1) Antennae mounted on Structures or Rooftops. The

equipment cabinet or structure used in association with antennae shall comply with the following:

- (a) The cabinet or structure shall not contain more than 100 square feet of gross floor area or be more than 12 feet in height. In addition, for buildings and structures which are less than sixty-five (65) feet in height, the related unmanned equipment structure, if over 100 square feet of gross floor area or 12 feet in height, shall be located on the ground and shall not be located on the roof of the structure.
  - (b) If the equipment structure is located on the roof of a building, the area of the equipment structure and other equipment and structures shall not occupy more than 10 percent of the roof area and shall exceed the design roof load.
  - (c) Equipment storage buildings or cabinets shall comply with all applicable building codes.
- (2) Antennae mounted on Utility Poles or Light Poles. The equipment or cabinet structure used in association with antennae shall be located in accordance with the following:
- (a) In residential districts, the equipment cabinet or structure may be located:
    - (i) In a front or side yard provided the cabinet or structure is no greater than four (4) feet in height or 50 square feet of gross floor areas and the cabinet/structure shall be screened by an evergreen hedge with an ultimate height of at least 42-48 inches and a planted height of at least 36 inches and ornamental trees.
    - (ii) In a rear yard, provided the cabinet or structure is no greater than 12 feet in height or 100 square feet in gross floor area. The cabinet/structure shall be screened by an evergreen hedge with an ultimate height of eight (8) feet and planted height of at least 36 inches and ornamental trees.
  - (b) In non-residential districts the equipment cabinet or structure shall be no greater than 15 feet in height or 200 square feet in gross floor area. The structure or cabinet shall be screened by an evergreen hedge with an ultimate height of eight

(8) feet and a planted height of at least 36 inches and ornamental and shade trees. In all other instances, structures or cabinets shall be screened from view of all residential properties which abut or are directly across the street from the structure or cabinet by a solid fence 6 feet in height or an evergreen hedge with ultimate height of 12 feet and a planted height of at least 36 inches and ornamental and shade trees.

- (3) Antennae Located on Towers. The related unmanned equipment structure shall not contain more than 100 square feet of gross floor area or be more than 12 feet in height, and shall be located no closer than 40 feet from all lot lines.
- (4) Modification of Building Size Requirements. The requirements of Section 8(a) through (c) may be modified by the Planning Director in case of administratively approved uses or by the Board of Zoning Appeals in case of uses permitted by conditional use to encourage collocation.

(i) REMOVAL OF ABANDONED ANTENNAE AND TOWERS

Any antennae or tower that is not operated for a continuous of twelve (12) months shall be considered abandoned, and the owner of such antenna or tower shall remove the same within the ninety (90) days of receipt of notice from the City of Goodlettsville notifying the owner of such abandonment. Failure to remove an abandoned antenna or tower within said ninety (90) days shall be grounds to remove the tower or antenna at the owner's expense. If there are two or more users of a single tower, then this provision shall not become effective until all users abandon the tower.

(j) NONCONFORMING USES

- (1) No Expansion of Nonconforming Use. Towers that are constructed, and antennae installed, in accordance with the provisions of this ordinance shall not be deemed to constitute the expansion as a nonconforming use or structure.
- (2) Preexisting Towers. Preexisting towers shall be allowed to continue their usage as they presently exist. Routine maintenance (including replacement with a new tower of like construction and height) shall be permitted on such preexisting tower shall comply with the requirements of this ordinance.
- (3) Rebuilding Damaged or Destroyed Nonconforming Towers or



Antennae. Notwithstanding Section (i), bona fide towers or antennae that are damaged or destroyed may be rebuilt without having to first obtain administrative approval or a conditional use permit and without having to meet the separation requirements in Sections (g)(2)(c) and (g)(2)(d). The type, height, and location of the tower onsite shall be of the same type and intensity as the original facility approval. Building permits to rebuild the facility shall comply with the then applicable building codes and shall be obtained within 180 days from the date the facility shall comply with the then applicable building codes and shall be obtained within 180 codes form the date the facility is damaged or destroyed. If no permit is obtained or if said permit expires, the tower or antenna shall be deemed abandoned as specified in Section (i).

(k) SEVERABILITY

The various parts, sections and clauses of this part are hereby declared to be severable. If any part, sentence, paragraph, section of clause is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of the Ordinance shall not be affected thereby.

(l) REPEALER


Any ordinances or parts thereof in conflict with the provisions of this Ordinance are hereby repealed to the extent of such conflict.


(m) PENALTIES

In addition to other remedies provided herein, any violation of this ordinance may be punishable by penalty of up to \$500.00. Each day shall constitute a separate violation hereof.

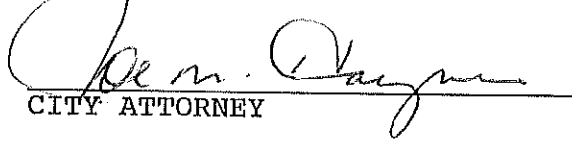
(n) EFFECTIVE DATE

This ordinance shall be effective from and after its final passage, the public welfare requiring it.

  
MAYOR

  
CITY RECORDER

APPROVED AS TO FORM:

  
CITY ATTORNEY

Passed 1<sup>st</sup> Reading: 10-8-98

Passed 2<sup>nd</sup> Reading: 11-12-98